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DEPARTMENT OF COMMERCE

International Trade Administration

C-570-968

Aluminum Extrusions from the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: The Department of Commerce (the Department) has completed the administrative review of the countervailing duty (CVD) order on aluminum extrusions from the People's Republic of China (PRC) for the January 1, 2015, through December 31, 2015, period of review (POR). We have determined that mandatory respondents Changzhou Jinxi Machinery Co., Ltd. (Changzhou Jinxi) and tenKsolar (Shanghai) Co., Ltd. (tenKsolar) received countervailable subsidies during the POR. The final net subsidies are listed below in the section entitled "Final Results of Administrative Review."

DATES: Applicable [Insert date of publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Tom Bellhouse or Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2057 or (202) 482-1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* of this administrative review in the

Federal Register on June 7, 2017.¹ For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.²

Scope of the Order

The merchandise covered by the order is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 6603.90.8100, 7616.99.51, 8479.89.94, 8481.90.9060, 8481.90.9085, 9031.90.9195, 8424.90.9080, 9405.99.4020, 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60,

¹ See *Aluminum Extrusions from the People's Republic of China: Preliminary Results of the Countervailing Duty Administrative Review and Rescission of Review, in Part; 2015*, 82 FR 26438 (June 7, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Aluminum Extrusions from the People's Republic of China, 2015," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order, which is contained in the accompanying Issues and Decision Memorandum, is dispositive.³

Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum, dated concurrently with, and hereby adopted by, this notice. A list of issues

³ See Issues and Decision Memorandum for a full description of the scope of the order.

addressed is attached as an Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>; the Issues and Decision Memorandum is available to all parties in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.*, a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.⁴ For a full description of the methodology underlying the Department's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

Rate for Non-Selected Companies Under Review

In this review, and in addition to the two selected mandatory respondents, there are 16 companies for which a review was requested and not rescinded (non-selected companies). For these non-selected companies, we could not calculate a rate by averaging Changzhou Jinxi's and tenKsolar's individual rates, as the rates for both companies are based entirely on adverse facts

⁴ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

available.⁵ Instead, for these final results, we based the non-selected companies’ rates on the subsidy rate calculated for non-selected companies in the prior administrative review. For further information on the calculation of the non-selected companies’ rates, refer to the section in the Issues and Decision Memorandum entitled, “Final *Ad Valorem* Rate for Non-Selected Companies Under Review.”

Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(5), we determine the following final net subsidy rates for the 2015 administrative review:

<u>Company</u>	<u>Ad Valorem Rate (Percent)</u>
tenKsolar (Shanghai) Co., Ltd.	198.61
Changzhou Jinxi Machinery Co., Ltd.	198.61
Classic & Contemporary Inc.	16.08
Daya Hardware Co., LTD	16.08
Dongguan Golden Tiger Hardware Industrial Co., Ltd.	16.08
ETLA Technology (Wuxi) Co., Ltd.	16.08
Global Hi-Tek Precision Limited	16.08
Jiangsu Zhenhexiang New Material Technology Co., Ltd.	16.08
Johnson Precision Engineering (Suzhou) Co Ltd	16.08
Kam Kiu Aluminum Products Sdn Bhd	16.08
Ningbo Haina Machine Co., Ltd.	16.08
Ningbo Innopower Tengda Machinery Co., Ltd.	16.08
Ningbo Yinzhou Sanhua Electric Machine Factory	16.08
Precision Metal Works LTD.	16.08
Summit Heat Sinks Metal Co., Ltd.	16.08

⁵ See sections 703(d) and 705(c)(5)(A) of the Act.

Suzhou New Hongji Precision Parts Co Ltd	16.08
Taishan City Kam Kiu Aluminium Extrusion Co., Ltd.	16.08
Wuxi Huida Aluminum Co., Ltd.	16.08

Assessment Rates

The Department intends to issue appropriate assessment instructions directly to CBP, 15 days after publication of these final results of review, to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 2015, through December 31, 2015, at the *ad valorem* rates listed above.

Cash Deposit Requirements

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above for each company listed on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. Accordingly, the cash deposit requirements that will be applied to companies covered by this order, but not examined in this administrative review, are those established in the most recently completed segment of the proceeding for each company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested.

Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 4, 2017

Gary Taverman
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
Performing the Non-Exclusive Functions and Duties of the
Assistant Secretary for Enforcement and Compliance

APPENDIX

List of Topics Discussed in the Final Decision Memorandum

Summary

Background

Scope of the Order

Analysis of Comments

Comment 1: Application of AFA to tenKsolar

Comment 2: Inclusion of Alleged Non-Use Programs in tenKsolar's Rate Calculation

Comment 3: Inclusion of Geographically Limited Programs in tenKsolar's Rate Calculation

Comment 4: Inclusion of Programs Which Have Allegedly Been Terminated in tenKsolar's Rate Calculation

Comment 5: AFA Subsidy Rates for Certain Income Tax Rebate, Depreciation, Refund, Offset, and Arrears Forgiveness Programs

Comment 6: Selection of Respondents

Comment 7: Application of AFA to Changzhou Jinxi

Conclusion

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